

A C T S  
OF THE  
TOWN COUNCIL  
OF  
EDINBURGH.

Determining the time how long the Lord Provost, Bailies, Dean of Gild and Thesaurer of the said Burgh, ought to continue at one time in their respective Offices;

Authorized by Decreet of the Lords of Council and Session, upon the twenty eight day of February, One thousand six hundred seventy three years:

Together with an Act of the same Town Council, declaring the grounds and motives for Printing the saids Acts.



EDINBURGH,  
Printed ANNO DOM 1676.

# ACTS OF THE TOWN COUNCIL OF EDINBURGH

Determining the time how long the Lord Provost, Bailies, Dean of Guild and Treasurer of the said Burgh, ought to continue in one time in their respective Offices; Authorized by Decree of the Lords of Council and Session upon the twenty eighth day of February, One thousand six hundred and twenty three years; Together with an Act of the same Town Council, declaring the grounds and uses of the said Burgh.



Printed by James DODD, 1776.  
EDINBURGH.

# AT EDINBURGH

*The first day of October, one thousand six hundred and seventy eight years.*

**T**He which day, the Lord Provost, Bailies, Council and Deacons of Crafts, ordinar and extraordinar, being convened in Council, taking to their serious and impartial consideration, that the Laws of this and all other well governed Nations, do oppose most vigorously the perpetuating of Magistrats within Towns and Burghs, as that which inhances the Government (that ought to be alterable, according to the merits of the Citizens) into the hands of one or very few, who may thereby easily exclude other well-deserving Neighbours from the Government, and might appropriat or imbezzle the Common-Good at their pleasure; And thereby wreath an insupportable yoke upon the necks of their Fellow-Citizens, and upon the place of their nativity and residence: And having by experience found many moe disadvantages rising by such unwarrantable and affected elections, and that even among the best of Persons, whom time and opportunity did too frequently tempt and corrupt: In so far that it was found necessary by our predecessors to be precise and special as to the time of the continuation of their Magistrats: which according to the nature of all Laws, they did enact in general terms, not having an eye to any particular persons, well foreseeing that albeit some persons in the Government of the Burgh, might, for one or two years, behave themselves to the satisfaction of the Neighbours, knowing their time to be determined and fixed by Law, yet that the same persons continuing longer, being left to their own freedom and liberty to perpetuate themselves in the Government as long as they could by faction or interest, might in process of time degenerate and prove corrupt, and that the inconveniencies in removing such deserving persons from the Government of the Burgh, cannot by many degrees ballance the innumerable and vast ill consequences which naturally and inevitably attends the indefiniteness, and undeterminateness of the time, in relation to the continuance of the Magistrats within this Burgh, especially being the Affairs of the City, can sustain little or no prejudice by the Councils being necessitate to remove from the Government, persons who have given proof of their integrity, during their administration: In regard the remedy is in their own hands, and they may, out of a due resentment of former good services, elect of new the saids persons within few years after they are removed from the Magistracy. Upon all which considerations (and in respect that in this Metropolitane City of the King,



Kingdom, and the Inhabitants sufficient number of able and well qualified Citizens, &c for the Magistracy thereof.) The Council upon the 5. day of October, 1658 years, laying aside their own interest, and the consideration of the power they then possessed, did pass an Act, declaring that the Lord Provost, Dean of Guild, and Thesaurer of this Burgh, should not continue longer in their respective Offices, than one, or, at the most, two years together at one time; and that the Bailies of this Burgh should be but one year Bailie, one year old Bailie, and one year free of Office; and should not be put upon the Leits to be Bailies untill these years expired. Under which Act the Neighbours lived happily, untill the Michaelmas 1664. years. At which time, the said Act was rescinded, and thereafter, the good Town having found too much the inconveniencies that followed that rescission, the same did necessitate some of the Citizens to raise a Declarator of the Towns Priviledges before the Lords of Session; the result of which Process, was, that the saids Lords, by their just and wise Sentence in February 1673. years, Decerned, for preventing all future incroachments upon the Towns Priviledges in that point; that the said Act should be revived and further secured, by adjecting a considerable penalty and an Oath, which every Magistrat and Member of the Council, is to take upon the day of the Election of the Magistrats, for the more inviolable keeping and observing of the said Act: And in the same Sentence and Decreet of the Lords of Session, the said Act is at length and *verbatim* insert as their Decernatur, and made a part of the fundamental Government of the good Town; and accordingly ever since, upon the Election-day, the said Oath is administered and taken by the whole Council. And the present Council being highly sensible of the many good effects, which have followed the observance of the saids Acts, for several years past, and being desirous to shew how willing, they are that well-deserving Citizens, should have a share in the Government of this City by turns, in which they hope that every one of them will by a generous emulation endeavour to exceed one another in their care of, and kindness to, the good Town; and to extinguish all hopes of perpetuating the power in their own hands, or in the hands of such as shall be advanced thereto in time coming; And to prevent all tydings and factions amongst the Inhabitants upon such designs, whereof the Council are very confident (seing now persons are removed from the Magistracy, not out of humour and pick, as was formerly supposed, but by the appointment and determination of the Law) They have therefore ordained the said Acts to be Printed, that none of the Neighbours may pretend ignorance, but may regulat themselves accordingly: Of which Acts, the tenor follows.

At

At *Edinburgh*, the fifth day of *October*, One thousand six hundred seventy eight years.

**T**He which day, the Lord Provost, Bailies and Council new and old, and whole Deacons of Crafts, ordinar and extraordinary, being conven'd in Council, and (having called upon the Lord for a blessing upon their affairs and indeavours) Taking it to their serious consideration the great prejudice which this City and good Government thereof, hath sustained by the long continuance of Provosts, Dean of Gild and Thesaurers in their places, and the too great precipitancy which hath been practised in bringing in of Bailies to Place and Office before their ordinary course and season: For remeed whereof, and to the effect that Love, Concord, and Unity may be kept, not only amongst the whole Council, but also amongst the Neighbours and Inhabitants of this City. It is unanimously Agreed upon, Statute and Ordained, that in all time coming, the Provost, Dean of Gild, and Thesaurer of this Burgh, shall not be elected or continued in their respective Offices longer than one, or at most two years together at one time. And that the Bailies of this Burgh, in all time hereafter, shall only be one year Bailie, one year old Bailie, and one year free of Office, and shall not be put in the Lists to be Bailies, untill thole years be past. And further, It is Statute and Ordained, that whosoever hath been, or shall be Dean of Gild, is, and shall be alwayes hereafter capable to be Listed and chosen Bailies, as the Council shall think fit. And that no Thesaurer shall be capable to be Listed for, or Elected a Bailie, till such time as the Accomptes of his Intromission the time of his being Thesaurer be fitted and approven by the Council. And for the better observance of the premisses, ordains this present Act ilk year to be solemnly read in presence of the Council, the day of making the Lists of the Magistrats, before the Council proceed to the making of the Lists. As also, upon the day of Election of the Magistrats, before the Council do any thing in relation to the said Election, that none may pretend ignorance.

At *Edinburgh*, the fourth day of *March*, One thousand six hundred seventy three years.

**T**He which day, the Provost, Bailies, Council, and Deacons of Crafts ordinar and extraordinary, being conven'd in Council, taking to their serious consideration an AQ made by the Provost, Bailies, and Council for the time, bearing date the fifth day of *October*, One thousand six hundred fifty eight years, whereby upon the great and weighty considerations therein mentioned, it was Statute and Ordained, that in all time coming, the Provost, Dean of Gild, and Thesaurer of this Burgh, should not be Elected, nor continued in their respective Offices, longer than one,



or at most two years together at one time: And that the Bailies of this Burgh, in all time thereafter, should only be one year Bailie, one year old Bailie, and one year free of Office; and should not be put in the Leits to be Bailies, until these years be past, as at more length is contained in the said Act. And finding that the said Act, is in it self most just and necessary for the good of this Burgh, and conform to the Laws and Acts of Parliament made against the Election of Officers as Magistrates within Burgh: Therefore the Council did ratifie, approve, and revive the said Act in the whole Heads, Articles and Clauses of the same; And ordains the same to have full effect, and to be put to execution in all time coming. And declares this present general Ratification, to be as valid and effectual, as if the said Act were herein particularly insert. Whereanent the Council have dispensed, and hereby dispenses for ever, Likeas the Council does rescind and annul all former Acts which are any wayes prejudicial to, or inconsistent with the said Act: And particularly, do rescind and annul an Act bearing date the fourth day of October, One thousand six hundred sixty four years: Rescinding the foresaid Act bearing date the fifth day of October, one thousand six hundred fifty eight years; and declares the said last Act to be void and null, and to be prejudicial and derogatory to the Laws and Acts of Parliament, and to the Set and Decreet Arbitral, and the fundamental Liberties and Priviledges of this Burgh. Likeas, the Council being desirous, that the foresaid Act of the date, the fifth day of October, one thousand six hundred fifty eight years, should be inviolably observed in all time coming: And that all practices, invasions, and violations thereof, may be the better prevented, The Council do Statute and Ordain, that the Provost, Bailies, Council, and Deacons of Crafts, ordinar and extraordinar, for the time, shall take an Oath for the inviolably observing of the said Act in all time coming; and that directly nor indirectly they shall do nothing prejudicial thereto: And which Oath is to be yearly administred and taken by the Provost, Bailies, Dean of Gild, Thesaurer and whole Council, having Vote in the Election of the Magistrates: And that immediately before their going about the said Election, the said Act is to be publickly read in the Council, & the Oath administred. And further, the Council do Statute and ordain, that all Elections hereafter to be made, that are not conform to the said Act, shall be *ipso facto*, void and null; and the persons swa to be Elected, declared to be incapable of bearing any Office of Magistracy within the said Burgh longer than is prescribed by the said Act, and the Electors of any persons as Magistrates, contrair to the said Act, to be holden and repure as infamous persons, and invaders of the just Liberties and Priviledges of the said Burgh, and lyable in the Sum of an thousand Merks Scots Money, each one of them, to be applied by sight and advice of the Lords of Privy Council, and Lords of Session, for the common good of this Burgh, and the penalty of five thousand Merks money foresaid, to be inflicted upon such persons as shall happen to be elected contrair to the said Act, in case they do attempt to exerce any Office within the said Burgh, o-  
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therwise than is prescribed by the said Act, and are declared by thir presents, and that with all rigour. And it is hereby expressly provided and declared, that execution shall pass hereupon for implement and fulfilling of every point, clause and penalty of this Act, at the instance of any Merchand, that hath been, or hereafter shall be Members of the Council of this Burgh; or at the instance of any Tradesman, that hath been, or hereafter shall be Members of the Council of this Burgh; or shall hereafter be Deacons of Crafts, or Crafts Counsellours in any time coming, and that against the contraveeners and breakers of this present Act. Likeas, It is hereby declared, that it shall be lawful and competent to any person to protest against any such illegal Elections; and which Protestations the Clerk is to insert in Record, and that the same shall be repete to be true and faithful service for the good and interest of this Burgh. And lastly, The said Lord Provost, Bailies, and Council, for the better security of this present Act, in all points, do by their solemn Oath, *in verbis de presenti*, protest before God Almighty, that they shall observe this present Act in all the Heads, Clauses and Articles thereof, inviolable in all time coming. And for the more security, the saids Lord Provost, Bailies, and Council, consents to the Registration hereof in the Books of *Sederunt* of the Lords of Session, or the ordinary Books of the saids Lords of Council and Session, to have the strength of a Decreet of their Lordships interpon'd thereto, that Letters and Executorials necessary may pass hereon; and the Horning on a simple Charge of six dayes allanery; and for that effect constitutes Mr. *Fohn Lawder* Advocat their Procurator. In witness whereof (written by *William Mackie* Writer in *Edinburgh*) they have subscribed thir Presents with their hands, day, place, and year of God foresaid. Before thir witnesses, Mr. *Robert Lawder*, Portioner of *Belhaven*, and *Alexander Gay* Writer in *Edinburgh*, inserter of the Date and Witnesses. *Sic Subscribitur*, *Sir Andrew Ramsay* Provost, *Thomas Calderwood*, *Fohn Hall*, *Alexander Pitcairn*, *Robert Learmond* Bailies, *Walter Borthwick* Dean of Gild, *Thomas Robertson* Thesaurer, *James Currie*, *Fohn Fohnstoun*, *Andrew Cheyn*, *William Binning*, *David Boyd*, *Francis Kinloch*, *Mungo Wood*, *William Carmichael*, *James Riddel*, *David Swintoun*, *Fohn Fossie*, *Lawrence Adinstoun*, *Alexander Butlerwell*, *Robert Elliot*, *George Gardner*, *Hary Barclay*, *Thomas Campbel*, *Edward Clegborn*, *James Paterson*, *Robert Newlands*, *David Muir*, *Fohn Cars*, *George Fohnstoun*, *William Stevenson*, *William Hopkins*. Mr. *Robert Lawder*, and *Alexander Gay*, Witnesses.

The Principal Act, Subscribed upon the Back by the Lord President of the Session, is Registrat in the Books of Council and Session, and kept amongst the Warrants of the said Decreet.

The Council of *Edinburgh*, has at all their respective Elections, ever since the said Decreet of the Lords of Session, sworn to the inviolable observation of the said Act, and their names are recorded in the Council Books of the said Burgh.

F I N I S.

